

HERITAGE COMMISSION

Draft Minutes

September 9, 2010

The Heritage Commission held its regular monthly meeting in the Second Floor Conference Room, 41 Green Street, Concord, New Hampshire, on Thursday, September 9, 2010, at 4:30 p.m.

1. Call to Order and Seating of Alternates:

Vice Chairperson Frederick Richards called the meeting to order at 4:37 p.m.

Present at the meeting were Vice-Chairperson Frederick Richards and members Carol Durgy Brooks, Dr. Bryant Tolles, Robert V. Johnson, II, and Marilyn Fraser. City Planner Douglas Woodward and Administrative Specialist Donna Muir were also present. Absent from the meeting were Committee Members Steve Shurtleff, Elizabeth Durfee Hengen, James McConaha, and Chairperson Philip Donovan.

Vice Chairperson Richards elevated the alternate members to full member status for the meeting.

2. Minutes of the August 12, 2010 meeting:

The Commission considered the minutes of the August 12, 2010, Heritage Commission meeting. A motion was made by Ms. Brooks to accept the minutes as presented and seconded by Ms. Fraser. Vice Chairperson Richards asked if there was any discussion regarding the minutes. The motion accepting the minutes of the August 12, 2010, meeting passed unanimously.

3. New Business:

- a. *Consideration of a NHDHR finding of "additional information is needed" on a NH Department of Administrative Services application for Bow Brook drainage improvements in the State Office Park South.*

Vice Chairperson Richards stated that this notice was provided for information only.

- b. *Consideration of the use of Neighborhood Heritage Districts as recommended in the Historic Resources Section of Master Plan 2030:*

Vice Chairperson Richards stated that Ms. Hengen will present information to the Heritage Commission regarding Neighborhood Heritage Districts and noted that Ms. Hengen was the co-author of the *Neighborhood Heritage Districts A Handbook for New Hampshire Municipalities*. As Ms. Hengen was not in attendance, this item will be tabled to the October meeting.

- c. *Discussion relative to the Commission's status as a "local land use board" when reviewing*

applications in the Historic District and applications for Demolition Delay, and the requirement for members to meet a juror standard or to otherwise disqualify themselves from participation in any decision making.

Mr. Woodward spoke about what the Planning Board has done with the Board's rules as regards conflict of interest and recusal from consideration of an application. He provided the Commission members with the Amendment to the Rules of the Planning Board, which was adopted on January 20, 2010, and copies of the RSA 672:7 Local Land Use Board and RSA 673:14 Disqualification of Member.

Vice Chairperson Richards stated that the Heritage Commission acts as a land use board only in regards to the Historic District and with Demolition Delay applications. Mr. Woodward agreed and stated that most of the work of the Heritage Commission is non-regulatory. He also stated that the Commission needs to consider the laws under which they act just as a juror must accept the current laws under which they may consider a case.

Mr. Woodward referred to a law book entitled, *NH Practice Volume 15 –Land Use Planning, and Zoning*, written by Attorney Peter Loughlin. He also stated that Deputy City Solicitor Jim Kennedy has offered to meet with the Heritage Commission and answer any questions they may have regarding conflict of interest and recusal from participation in the consideration of applications that may come before the Commission.

Mr. Johnson suggested that these regulations would apply to all boards, committees, and commissions, including those without land use board status. He also stated that you know if you have a conflict of interest when it happens.

Mr. Johnson questioned what the last line in the Planning Board's Rules, Section 7 of Article IV, Meeting and Conduct of Business, meant. (Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.) Ms. Brooks suggested that one example would be a law enforcement official being exempt from jury duty because of their profession would not necessarily be exempt from serving on a land use board.

Mr. Johnson asked whether the Heritage Commission rules could be changed to include similar language as had been adopted by the Planning Board in regard to this matter. Mr. Woodward stated that he would draft a rule change and check to see if a public hearing would be necessary to make any changes to the Heritage Commission rules. He would report back to the Heritage Commission at their next monthly meeting.

4. Old Business:

- a: CLG grant for the historic schools survey:

Mr. Woodward stated that Ms. Hengen has made progress on the historic schools survey and submitted an invoice for a portion of the contract amount.

b. *Isaac Hill Monument:*

Mr. Johnson stated that he and Mr. McConaha met with the Mayor. They will meet with the City Manager next week to put the post in the ground to mark where the monument will be going. Mr. Woodward asked where the monument will be placed, and Mr. Johnson stated that he was not told where.

c. *NH Division of Historical Resources – Introduction to Historical Markers:*

Mr. Woodward stated that a handout was provided in the Heritage Commission's packet outlining the steps necessary to request a NH State Highway Historical Marker. Vice Chairperson Richards stated that the process entails a lot of work and feels that the Heritage Commission has too much on their plate.

He also stated that the handout requests information on the significance the individual had to the entire state. Mr. Woodward said that Mr. Langley was a newspaper publisher and he was responsible for bringing Blue Cross/Blue Shield to New Hampshire and Vermont. He also suggested that information from the history of Concord book being prepared by the Concord Historic Society could be utilized, as much of the history includes Mr. Langley's role. Mr. Woodward suggested that he would reach out to the Concord Historic Society to see if someone there may be interested. He also suggested that Colin Curley, a former Heritage Commission intern, be contacted to see if he might be interested in taking on this project.

Ms. Brooks suggested that perhaps the Heritage Commission could support the application to the NH Division of Historical Resources.

There being no further business or discussion, a motion was made by Ms. Brooks and seconded by Mr. Johnson to adjourn the meeting. The motion carried. The Vice Chairperson adjourned the meeting at 5:20 p.m.

A TRUE RECORD ATTEST:

Donna Muir
Administrative Specialist